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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/587,111
Filing Date: July 24, 2006
Appellant(s): John W. Richardson et al.

Robert B. Levy (#28,234)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/23/2011 appealing from the Office action mailed 4/25/2011.

1) Real Party in Interest

A statement identifying by name the real party in interest is continued in the brief.

2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3) Status of Claims

The statement of the status of claims contained in the brief is correct.

4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

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6) Grounds of Rejections to be Reviewed on Appeal

The appellant's statement of the status of the grounds of rejection to be reviewed on appeal is correct.

7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

8) Evidence Relied Upon

Reference	Inventor	Date
6,134,243	Jones et al.	10-2000
2004/0,006,575	Visharam et al.	01-2004
2005/0,004,968	Mononen	01-2005
MPEG 2001/N4858	Estakhri et al.	05-2002

9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims.

- I. **Claims 25, 32, 34, 36, 43 and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 6,134,243) in view of Visharam (2004/0,006,575), hereafter referenced as Jones and Visharam.

Regarding **claim 25**, Jones discloses Method and Apparatus for Media Data Transmission. Jones specifically discloses A method for streaming a file containing

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video information (streaming of media data, col.9, line 20), comprising the step of: embedding parameter information (Hint track includes header information, col.9, line 28-39) for facilitating streaming of the video information (instruction for a streaming video, col.9, line 28-39) by embedding the parameter information in a hint track, the file also holding the video information such that the parameter information resides separate hint area (separate and distinct from media data, col.8, line 27-30) from the video information so that the parameter information can be streamed independent of the video information (Fig.15). In addition Jones discloses embedding information into Session Description Protocol (SDP) payload of hint track file (SDP information is stored in user-data atoms in the hint track, col.24, line 55-57; insertion of payload-specific header, col.25, line 50) of the file. However, Jones is silent on embedding the parameter information in a Session Description Protocol (SDP) payload.

In the analogous field of endeavor, Visharam discloses Method and Apparatus for Supporting Advanced Coding Formats in Media Files. Visharam discloses specifically embedding the parameter information (features of audiovisual content, paragraph 47), in a Session Description Protocol (SDP) (SEI message is signaled by external means (SDP), paragraph 172), in order to provide the features of media data in decoding of media data (paragraph 47).

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jones by providing specifically embedding the parameter information in SDP payload, in order to provide the features of media data in decoding of media data. The Jones method, incorporating the

Visharam embedding the parameter information in SDP payload of hint track, has all the features of claim 25.

Regarding **claim 32**, Jones and Visharam disclose everything claimed above (see claim 25). In addition, Jones discloses further comprising the step of transmitting the parameter information in a media independent transmission (Jones: network-independent, col.9, line 59-60).

Regarding **claim 34**, Jones and Visharam disclose everything claimed above (see claim 25). In addition, Jones discloses further comprising the step of extracting the parameter information from metadata corresponding to at least one media stream (hint packets received, col.18, line 1-2)

Regarding **claim 36**, the claimed invention is an apparatus claim corresponding to the method claim 25. Therefore, it is rejected for the same reason as claim 25.

Regarding **claim 43**, the claimed invention is an apparatus claim corresponding to the method claim 32. Therefore, it is rejected for the same reason as claim 32.

Regarding **claim 45**, the claimed invention is an apparatus claim corresponding to the method claim 34. Therefore, it is rejected for the same reason as claim 34.

- II. **Claims 28 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Visharam, further in view of Mononen (US 2005/0,004,968) (hereafter referenced as Mononen).

Regarding **claim 28**, Jones and Visharam disclose everything claimed as above (see claim 25). However, Jones fails to disclose wherein the step of embedding the

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parameter further comprises the step of encoding the parameter information in Multipurpose Internet Mail Extensions (MIME) prior to being embedded within the SDP payload of the Hint track.

In analogous field of endeavor, Mononen discloses System, Apparatus, And Method for a Mobile Information Center. Mononen specifically discloses encoding in Multipurpose Internet Mail Extensions (MIME) prior to being embedded within the SDP payload (Fig.2 shows MIME encoding 236 prior to SDP 228), in order to provide rich content communication including voice and video through internet (paragraph 2).

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jones and Visharam by providing specifically encoding the Parameter Set information in Multipurpose Internet Mail Extensions (MIME) prior to being embedded within the SDP payload of the Hint track, in order to provide rich content communication including voice and video through internet. The Jones method, incorporating the Visharam embedding the parameter information in SDP payload, further incorporating the Mononen encoding the parameter information in Multipurpose Internet Mail Extensions (MIME) prior to being embedded within the SDP payload of the Hint track, has all the features of claim 28.

Regarding **claim 39**, the claimed invention is an apparatus claim corresponding to the method claim 28. Therefore, it is rejected for the same reason as claim 28.

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III. **Claims 29-31, 33, 40-42 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, further in view of MPEG 2001/N4858 (hereafter referenced as N4858).

Regarding **claim 29**, Jones and Visharam disclose everything claimed as above (see claim 25). However, Jones and Visharam fail to disclose further comprising the step of transmitting the Parameter information in an out-of-band transmission.

In analogous field of endeavor, N4858 discloses Coding of Moving Pictures and Audio. N4858 specifically discloses transmitting the Parameter Set information in an out-of-band transmission (parameter sets are sent out of band), in order to transmit media in the cable environment.

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jones and Visharam by providing specifically transmitting the Parameter information in an out-of-band transmission, in order to transmit in the cable environment. The Jones method, incorporating the Visharam embedding the parameter information in SDP payload, further incorporating the N4858 transmitting the Parameter Set information in an out-of-band transmission for the cable, has all the features of claim 29.

Regarding **claim 30**, the Jones method, incorporating the Visharam embedding the parameter information in SDP payload, further incorporating the N4858 transmitting the Parameter Set information in an out-of-band transmission for the cable as applied to claim 4, discloses wherein said transmitting step transmits the parameter information using Transmission Control Protocol (TCP) (Jones: TCP/IP, col.13, line 67) .

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Regarding **claim 31**, the Jones method, incorporating the Visharam embedding the parameter information in SDP payload, further incorporating the N4858 transmitting the Parameter Set information in an out-of-band transmission for the cable as applied to claim 4, discloses wherein said transmitting step transmits the parameter information using Real Time Streaming Protocol (Jones: RTP, col.11, line 38-40).

Regarding **claim 33**, Jones and Visharam disclose everything claimed as above (see claim 25). However, Jones and Visharam fail to disclose wherein said transmitting step transmits the Parameter information prior to any media corresponding thereto.

N4858 discloses wherein said transmitting step transmits the Parameter information prior to any media corresponding thereto (Fig. 5b shows parameters transmitted before the picture slice (main media body), in order to inform the receiver to set up the presentation such as picture size and frame rate included in parameter set prior to transmitting the associated media (well known in the video compression art).

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jones and Visharam by providing specifically transmitting the Parameter Set information prior to any media associated with it, in order to inform the receiver to set up the presentation such as picture size and frame rate included in parameter set prior to transmitting the associated media. The Jones method, incorporating the Visharam embedding the parameter information in SDP payload, further incorporating the N4858 transmitting the Parameter Set information prior to any media associated with it, has all the features of claim 33.

Regarding **claim 40**, the claimed invention is an apparatus claim corresponding to the method claim 29. Therefore, it is rejected for the same reason as claim 29.

Regarding **claim 41**, the claimed invention is an apparatus claim corresponding to the method claim 30. Therefore, it is rejected for the same reason as claim 30.

Regarding **claim 42**, the claimed invention is an apparatus claim corresponding to the method claim 31. Therefore, it is rejected for the same reason as claim 31.

Regarding **claim 44**, the claimed invention is an apparatus claim corresponding to the method claim 33. Therefore, it is rejected for the same reason as claim 33.

10) Response to Argument

- I. Appellant's arguments with respect to the prior art rejection over **claims 25, 28-34, 36 and 39-45** have been fully considered but they are not persuasive.
- II. Regarding **claims 25, 32, 34, 36, 43 and 45** (Notice that Appellant made an error by including the cancelled claims 26-27, 35, and 46 and 47 at pp.8, line 16), the Appellant argues (Brief of 6/23/2011: pp.8, line 16-end; pp.9, lines all; pp.10, line 1-20) that neither Jones, Visharam alone, nor the Examiner's proposed Jones-Visharam combination does not teach or suggest "embedding the parameter information in a session Description Protocol (SDP) payload of a hint track of the file", because Neither Jones nor Visharam discloses anything about "embedding the parameter information in a session Description Protocol (SDP) payload of a hint track of the file". The examiner respectfully disagrees. Even though any one of them alone does not disclose the above

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feature as whole, the combination does address the limitation in question. Jones discloses that SDP is one of user-atoms in the hint track (SDP information is stored in user-data atoms in the hint track, col.24, line 55-57), and the generation of hint track would incorporate the insertion of payload specific headers (insertion of payload-specific header, col.25, line 50). Therefore, Jones teaches “embedding information into SDP payload of hint track file”, because SDP has a header and payload too (Also it was well known in the art that SDP consist of a header and a payload. For example, <http://tools.ietf.org/html/rfc2327>: Chapter 4.1, page 3 shows that SDP is sent with header and text payload using SAP packet). Additionally, Visharam teaches embedding the parameter information (SEI is meta data separately from media data, paragraph 47), in a Session Description Protocol (SDP) (SEI message is signaled by external means (SDP), paragraph 172), in order to provide the features of media data in decoding of media data. Therefore, Jones and Visharam teach the above feature - “embedding the parameter information in a session Description Protocol (SDP) payload of a hint track of the file”, as in the claims.

Regarding **claims 28 and 39**, Appellant further argues (Brief of 6/23/2011: pp.10, line 21-end, pp.11, line 1-23) that like Jones and Visharam, Mononen does not teach the above feature. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, since the Examiner has shown that the Jones-

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Visharam combination addresses the limitation in question, and therefore, Mononen on its own doesn't have to address the limitation, but meets the limitation with its incorporation with the already established Jones-Visharam combination.

Regarding **claims 29-31, 33 and 40-42 and 44**, appellant further argues (Brief of 6/23/2011: pp.11, line 24-end, pp.12, line 1-18) that like Jones and Visharam, the MPEG 2001/N4858 document does not teach the above feature. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, since the Examiner has show that the Jones-Visharam combination addresses the limitation in question, and therefore, the MPEG 2001/N4858 document on its own doesn't have to address the limitation, but meets the limitation with its incorporation with the already established Jones-Visharam combination.

11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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